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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,217	04/26/2006	Peter Alfred Newman	0244	3420
31665	7590	06/21/2010		
PATENT DEPARTMENT ROVI CORPORATION 2830 DE LA CRUZ BOULEVARD SANTA CLARA, CA 95050			EXAMINER	
			WILLIAMS, JEFFERY L.	
			ART UNIT	PAPER NUMBER
			2437	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,217	<b>Applicant(s)</b> NEWMAN ET AL.
	<b>Examiner</b> JEFFERY WILLIAMS	<b>Art Unit</b> 2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 April 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 9,10,23,24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8,11-20,21,22,25-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statements (PTO/SB/06)  
 Paper No(s)/Mail Date 4262006 9292009
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

This action is in response to the communication filed on 4/19/10.

Claims 1 – 27 are pending.

Claims 9,10,23,24 are withdrawn from consideration.

***Election/Restrictions***

Claims 9, 10, 23, and 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/19/10. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Objections***

Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, it is noted that the possible identification of data on a disc does not structurally limit the claimed disc, but rather references the ability of an unclaimed person or thing that identifies. Thus, claim 13 fails to further limit the claimed subject matter. Applicant is

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required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 13, it recites “the audio data ... may be erroneously identified as data rather than audio”. The examiner notes that such recitation does not appear logical because audio data is by definition data, thus the scope of the claim is rendered indeterminate. For the purpose of examination, the examiner presumes the applicant to reference the fact that the disc comprises audio data.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 – 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schylander, U.S. Patent 5,390,159.**

Regarding claim 1, Schylander discloses:

*An optical disc carrying content and control data for enabling access to the content (Schylander, 1:14-22), the content being arranged on the disc in at least two separate and consecutive sessions (Schylander, 15:46-53), wherein each session on the disc has a Lead-In, a program area, and a Lead-Out, and wherein none of the sessions has a pointer from the Lead-Out which references control data of that same session (Schylander, fig. 4: "LO1", "LO2").*

Regarding claim 2, Schylander discloses:

*wherein none of the sessions on the disc has a pointer from the Lead-Out thereof which references or addresses a primary volume descriptor of that same session (Schylander, fig. 4: "LO1", "LO2").*

Regarding claim 3, Schylander discloses:

*wherein there are between two and five sessions on the disc (Schylander, fig. 4; 15:46-53).*

Regarding claim 4, Schylander discloses:

*wherein the content is arranged on the disc in first and second separate sessions*  
(Schylander, fig. 4; 15:46-53).

Regarding claim 5, Schylander discloses:

*comprising a plurality of individual sessions arranged sequentially along a spiral track of the optical disc from an inner area to an outer area thereof* (Schylander, fig. 2:20; 1:57-2:5), *wherein each said session has a Lead-In, a program area and a Lead-Out, and wherein none of the sessions on the disc has a pointer from the Lead-Out which references or addresses the program area of that same session* (Schylander, fig. 4; 15:46-53).

Regarding claim 6, Schylander discloses:

*wherein the first session on the optical disc which extends from the inner area thereof is an audio session having audio data contained in the program area*  
(Schylander, fig. 1; 4:42-48 - \* recorded bits within a user's program area may be intended for interpretation as data of the type audio, visual, etc. However, it is noted that the classification of recorded bits or digital information by its intended interpretation (i.e. audio, video, etc) does not serve to structurally distinguish the claimed optical disc having digital information recorded thereon from prior art optical discs having digital information recorded thereon).

Regarding claim 7, Schylander discloses:

*wherein the or each session following the first session is a data session and the or each said data session has a primary volume descriptor in its program area, and wherein there are no pointers provided from the Lead-Out of each data session which reference or address a primary volume descriptor of that session (Schylander, fig. 4: "LO1", "LO2"; 4:43-58).*

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 8, 11 – 20, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schylander in view of Hahn, U.S. Patent Publication 2004/0109393.**

Regarding claim 8, Schylander discloses an optical disc (Schylander, 1:14-56), however, Schylander does not disclose copy protection of the optical disc. Hahn discloses the need to copy protect optical discs (Hahn, par. 2-10).

It would have been obvious to one of ordinary skill in the art to employ the teachings of Hahn with the teachings of Schylander. This would have been obvious

because one of ordinary skill in the art would have been motivated by the need to prevent unauthorized or illegal copying (Hahn, par. 9, 10).

The combination enables:

*having a first audio session and at least one subsequent data session, the optical disc being a copy protected audio disc (Schylander, fig. 4; Hahn, par. 11; fig. 1a).*

Regarding claim 11, comprises essentially similar recitations as claims 1 – 8, and it is rejected, at least, for the same reasons as claim 8, and furthermore because the combination enables:

*and wherein control data in the second and subsequent sessions which relates to the first session has been removed, corrupted, rendered incorrect and/or inaccurate or otherwise interfered with (Hahn, par. 22).*

Regarding claim 12, the combination enables:

*wherein the control data to which interference has been applied is provided in the Lead-In to a session, in the Table of Contents (TOC), and/or is included in, or constituted by, other navigation and/or timing data generally (Hahn, par. 22).*

Regarding claim 13, the combination enables:

*wherein in the Lead-In to each session the audio data in the audio session may be erroneously identified as data rather than audio (Schylander, fig. 4; Hahn, par. 11; fig. 1a).*

Regarding claim 14, the combination enables:

*wherein the control data to which interference has been applied is provided in one or more descriptors for the information* (Hahn, fig. 8, 9).

Regarding claim 15, the combination enables:

*wherein the control data to which interference has been applied is in a primary volume descriptor, and/or is in a secondary volume descriptor* (Hahn, fig. 8, 9; Schylander, fig. 4).

Regarding claim 16, the combination enables:

*wherein the control data to which interference has been applied is in one or more directories* (Hahn, fig. 8, 9; par. 38 – 43; Schylander, fig. 4).

Regarding claim 17, the combination enables:

*wherein the control data to which interference has been applied is in address information* (Hahn, par. 39 – 45; Schylander, fig. 4).

Regarding claim 18, the combination enables:

*wherein the control data to which interference has been applied is in navigation and/or timing data* (Hahn, par. 39 – 45).

Regarding claim 19, the combination enables:

*wherein the content and control data is arranged on the optical disc in two sessions only, a first session being an audio session in which the program area contains audio data, and the second session being a data session, and wherein the second data session has a primary volume descriptor including control data enabling access to data in the program area of the second session, and where there is no pointer referencing the primary volume descriptor from the Lead-Out of the second session* (Schylander, fig. 4; Hahn, fig. 6).

Regarding claim 20, the combination enables:

wherein the first and second sessions are arranged sequentially along a spiral track extending along the optical disc from an inner area thereof to an outer area thereof, the first session having its Lead-In at the inner area and the Lead-Out of the second session being at said outer area (Schylander, fig. 2:20; 1:57-2:5; fig. 4; 15:46-53).

Regarding claims 21,22, and 25 – 27, they are method claims corresponding to the claims 1 – 8, and 11 – 20 above, comprising essentially similar recitations, and they are rejected, at least, for the same reasons.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

***See Notice of References Cited.***

A shortened statutory period for reply is set to expire **3** months (not less than 90 days) from the mailing date of this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery Williams/  
Examiner, Art Unit 2437

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437